WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 9547

IN THE MATTER OF:		Served May 11, 2006
GOLD TRANSPORTATION, INC.,)	Case No. MP-2005-171
Suspension and Investigation of)	
Revocation of Certificate No. 978	}	

This matter is before the Commission on respondent's failure to fully comply with the requirements of Order No. 9301, served February 3, 2006, which directed respondent to furnish proof that it ceased operations as of November 9, 2005, as corroborated by respondent's general business records and the District of Columbia Department of Health, Medical Assistance Administration, (DC Medicaid).

I. BACKGROUND

Under the Compact, a certificate of authority is not valid unless the holder is in compliance with the Commission's insurance requirements. Commission Regulation No. 58 requires respondent to insure the revenue vehicles operated under Certificate No. 978 for a minimum of \$1.5 million in combined-single-limit liability coverage and maintain on file with the Commission at all times proof of coverage in the form of a WMATC Certificate of Insurance and Policy Endorsement (WMATC Insurance Endorsement) for each policy comprising the minimum.

Certificate No. 978 became invalid on November 9, 2005, when the \$1.5 million primary WMATC Insurance Endorsement on file for respondent terminated without replacement. Order No. 9131, served November 9, 2005, noted the automatic suspension of Certificate No. 978 pursuant to Regulation No. 58-02, directed respondent to cease transporting passengers for hire under Certificate No. 978, and gave respondent thirty days to replace the expired endorsement or face revocation of Certificate No. 978. Respondent submitted a \$1.5 million primary WMATC Insurance Endorsement on December 27, 2005. The effective date of the new endorsement is December 6, 2005. This means that respondent was without insurance coverage for twenty-seven days, from November 9, 2005, through December 5, 2005.

Under Commission Rule No. 28, respondent is required to verify that it ceased transporting passengers for hire under Certificate No. 978 as directed by Order No. 9131. Order No. 9301 gave respondent thirty days to furnish proof that respondent ceased operations as of November 9, 2005, as corroborated by evidence from respondent's general business records and by confirmation from DC Medicaid.

¹ Compact, tit. II, art. XIII, § 7(g).

II. RESPONSE AND DIRECTION TO SHOW CAUSE

Respondent filed a statement on January 14, 2006, disclaiming any transportation on behalf of DC Medicaid on or after November 1, 2005. The statement is corroborated by ACS State Healthcare, the agent for processing carrier invoices for DC Medicaid. The statement, however, does not address whether or not respondent rendered service to the general public on or after November 9, and respondent has failed to produce any of its general business records.

In addition, respondent has neither filed its 2005/2006 annual report nor paid its 2006 annual fee, which were due January 31, 2006, pursuant to Regulation Nos. 60-01 and 67-02. Under Regulation No. 67-03, respondent now owes \$200 in late fees, as well.

Accordingly, we will give respondent thirty days to show cause why the Commission should not revoke Certificate No. 978.²

THEREFORE, IT IS ORDERED:

- 1. That respondent shall have thirty days to show cause why the Commission should not revoke Certificate No. 978 for respondent's willful failure to comply with Commission Rule No. 28, Commission Regulation Nos. 58, 60 and 67, and Commission Order No. 9301.
- 2. That respondent may submit within 15 days from the date of this order a written request for oral hearing, specifying the grounds for the request, describing the evidence to be adduced and explaining why such evidence cannot be adduced without an oral hearing.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS YATES, SMITH, AND CHRISTIE:

William S. Morrow, Jr. Executive Director

MAMILER

² The Commission may suspend or revoke all or part of any certificate of authority for willful failure to comply with a provision of the Compact, an order, rule, or regulation of the Commission, or a term, condition, or limitation of the certificate. Compact, tit. II, art. XI, § 10(c).